



LUMMI INDIAN BUSINESS COUNCIL

2665 Kwina Road, Bellingham, WA 98226. (360) 312-2000

Natural Resources Department. Fax: (360) 380-6989

2022-50 SJI GEODUCK REGULATION

Filing Date: 5/19/2022

Supersedes Reg: 2022-47

Filing Organization: Lummi

EFFECTIVE DATES:	Effective from May 19 2022 to March 31 2023, or until superseded or Treaty harvest is taken
AFFECTED ORGANIZATIONS	Port Gamble S'Klallam Tribe, Jamestown S'Klallam Tribe, Lower Elwha Klallam Tribe, Suquamish Tribe, Point No Point Treaty Council, Tulalip Tribes, Swinomish Indian Tribal Community, Nooksack Tribe, Upper Skagit Tribe, Washington Department of Fish and Wildlife, Washington Department of Natural Resources, and Washington Department of Health.
CATCH AREA	Geoduck Tract 02800, NE Alden Bank
SPECIES	Geoduck Clam (<i>Panopea generosa</i>)
LEGAL GEAR	Divers with hand-held manually operated water jet, with a water jet nozzle 5/8 inch inside diameter or less.
FISHERY TYPE	Commercial
DAYS/HOURS BY GEAR	<p>This fishery will open according the dates and times below pending results of PSP biotoxin sampling and favorable weather conditions.</p> <p>TRACT OPEN 6:00 A.M., Monday, May 23, 2022 TRACT CLOSE 4:00 P.M., Monday, May 23, 2022, or when Lummi's share is taken, whichever comes first.</p> <p>TRACT OPEN 6:00 A.M., Tuesday, May 24, 2022 TRACT CLOSE 4:00 P.M., Tuesday, May 24, 2022, or when Lummi's share is taken, whichever comes first.</p>
TARGET HARVEST	~11,000 pounds
RESTRICTIONS	<ol style="list-style-type: none">1. Harvest limited to harvest objective identified above.2. The February 2019 version of the Lummi Nation Commercial Harvest Diving Standards (hereafter, the standards) must be observed pursuant to Regulation 2019-09.3. Parties participating in dive harvest operations must be classified by the Lummi Natural Resources Department (LNR) pursuant to the standards and Regulation 2019-09.4. Unless otherwise directed by LNR, the fleet will meet with an LNR representative to receive information packets concerning the fishery prior to opening. Information packets include a tract map indicating tract corner points in Lat/Long, tide corrections and predicted tides, copy of LNR regulation, copy of LNR Hotline bulletin, monitor log, and shellfish sanitation information. All commercial geoduck harvesters are verified in advance by LNR staff, the monitor or designee.5. All harvesters must provide information requested by LNR staff, the monitor or designee, and LNR enforcement officers observing the fishery.6. Diving will be restricted to that portion of the tract marked on a map with outside corner coordinates provided by LNR to each vessel prior to the opening.7. Diving activities must take place during daylight hours only.8. No harvester shall begin the harvest until the anchor is set and the vessel's latitude and longitude is confirmed to be inside the tract boundaries provided by LNR staff and/or the monitors.9. The Lummi NE Alden Bank geoduck fishery is normally completed in two consecutive days. The first day is a "derby-style" opener with a pre-determined closing time, usually based on shipping constraints of the buyer(s). All divers must be out of the water when the tract closes, with vessels returning to port shortly thereafter. If there are pounds remaining to be harvested the following day (hereafter, the "mop-up"), any remaining pounds will be split equally amongst the vessels present during the "mop-up". The "mop-up" also closes at a pre-determined time, with vessels returning to port shortly thereafter.10. Any vessel and/or harvester that exceeds their mop-up share by 10% or more will forfeit the overage to LNR staff and/or Lummi enforcement officers and may face additional penalties in future openers. Proceeds from the sale of mop-up overages typically benefit the Lummi Elders Program.11. All harvest must be reported to the monitor or designee upon sorting and placement into crates, and a shellfish health tag with the required, relevant harvest information shall be filled out and inserted in the geoduck crate.12. All sales will be to a WDOH certified shellfish buyer.13. Harvesters may not sell out until monitor or designee is present to oversee the sale.

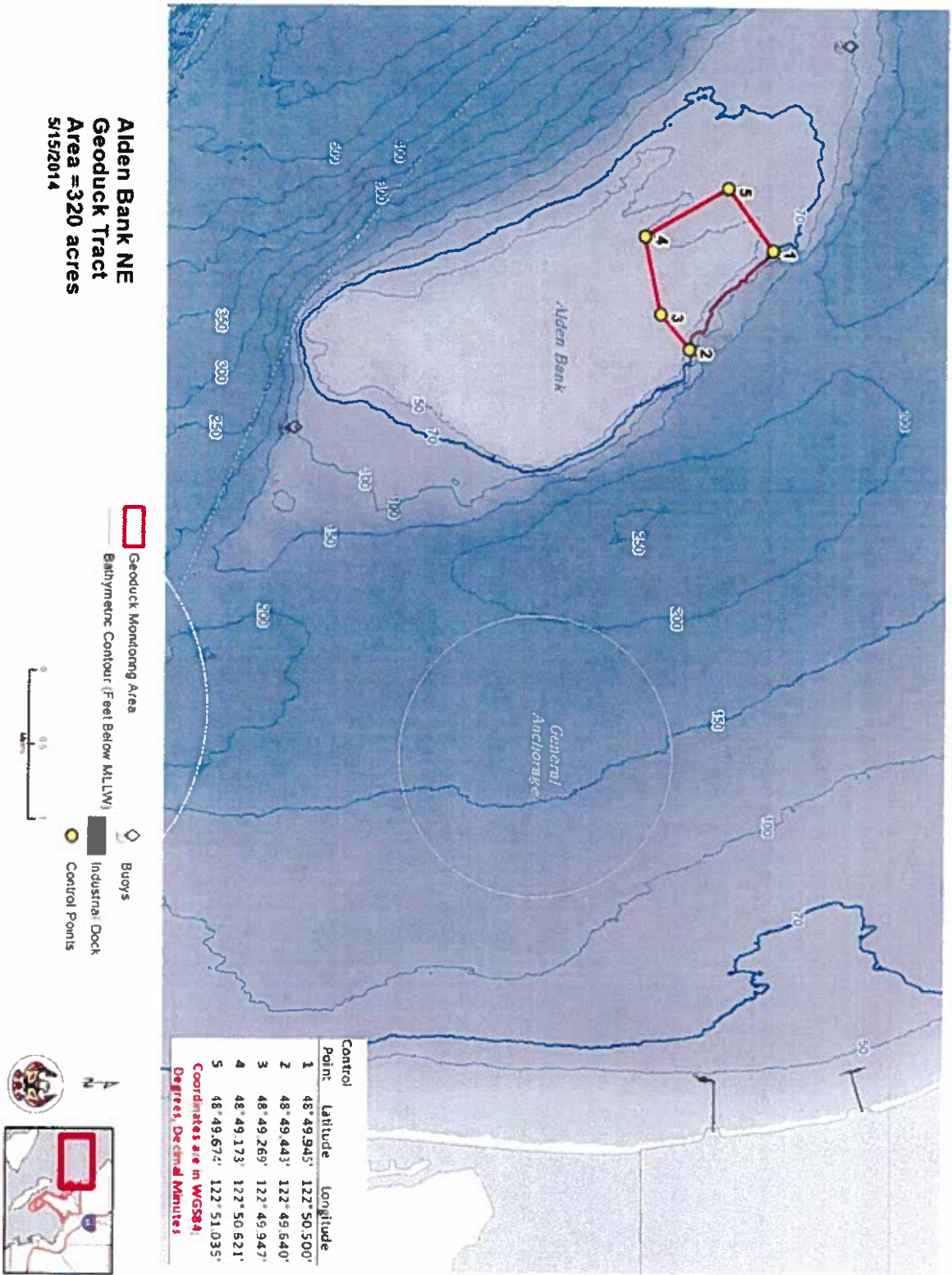
14. All sales will be recorded on Treaty Indian Shellfish Receiving Tickets and counter signed by monitor or designee and shall include any additional information required by applicable NSSP, MO provisions.
15. All provisions of the Geoduck Dive Harvest Operations plan filed with the WDOH must be followed with respect to applicable NSSP, MO provisions therein identified.
16. Harvest will be prohibited in depths greater than -70 feet uncorrected and less than -18 feet corrected to mean lower low water, or when eel grass extends below the corrected -18 foot level harvesting shall be at least 2 vertical feet deeper and seaward of eelgrass beds.
17. Must observe all provisions of Title 10.

ADDITIONAL RESTRICTIONS RELATED TO COVID 19 PANDEMIC

18. By a unanimous vote of six representatives from upper management at LNR and the Lummi Fisheries and Natural Resources Commission on July 29, 2020, participants in the dive fisheries are strongly encouraged to follow the web-posted coronavirus (COVID 19) health and safety guidelines provided by the Lummi Public Health Team (final document of record dated May 14, 2020).
19. While most health and safety guidelines are identified in the Lummi Public Health Team document of record, others may be disseminated to the fleet via text, website, or other related communications. These measures are being adopted to ensure appropriate social-distancing and to reduce the risk of transmission between fishers and buyer and buyer's employees.
20. Only those fishers on the current list of record, updated December 10, 2021, are approved to participate in this fishery. No other fishers will be considered for this opening unless they have met the minimum qualifications as described in #3 above.
21. Sharing of diver masks and related gear between divers is strongly discouraged. Should sharing of equipment occur, it is highly recommended that affected divers be tested for COVID 19 at the Lummi Tribal Health Center, or the designated facility, as soon as possible after the fishery. Results may not be available for 2 or 3 days.
22. Commercial harvest diving crews will practice appropriate social-distancing, wear face masks and gloves, and minimize double-handling of equipment whenever possible, to reduce the risk of COVID 19 transmission.
23. Finally, all participating crew members agree to practice social-distancing with their families and households. If anyone develops COVID-19 symptoms, the crew member is to call the Public Health phone line immediately (360-383-8251) to report symptoms and to undergo screening for further testing.

CATCH MONITORING	Harvest of geoduck shall be monitored by Natural Resources Enforcement Officers on-site and by LNR staff remotely to ensure that landings by treaty harvesters do not exceed the agreed allocations.
EXPECTED EFFORT	7 vessels and 15 divers.
CELL NUMBERS	Contact Sgt. Ed Conway (360-410-6813), Officer Tony Rivera (360-922-9118), or Officer Malcolm Owings (360-603-0361) for onsite enforcement information. Contact Elden Hillaire (360-393-2797), Brandon Revey (360-296-1887), or Megan Russell (206-948-1016) for off-site information.
JUSTIFICATION	This notice is to pursue harvest as per the signed co-manager agreement of the <u>2021-2023 San Juan Island/Strait of Georgia Region Harvest Management Plan for the Subtidal Geoduck Clam (<i>Panopea generosa</i>) Fishery</u> , and is promulgated pursuant to Chapter 10.6 of the Lummi Law and Order Code.

APPENDIX B Harvest Sites



State of Washington
Department of Health
Office of Environmental Health & Safety

SHELLFISH OPERATION LICENSE AND CERTIFICATE OF APPROVAL

THIS IS TO CERTIFY that the
LUMMI INDIAN BUSINESS COUNCIL

establishment owned or operated by
MERLE JEFFERSON
located at
3801-B KWINA RD
BELLINGHAM, WA 98226

has been inspected and found to meet the sanitary requirements of Chapter 69.30 RCW and the rules and regulations of the State Board of Health, and is hereby licensed as a commercial shellfish operation. A certificate of approval as prescribed in Chapters 69.30 RCW and 246-282 WAC is hereby granted for the harvesting of shellfish for human consumption from the following general location(s):

Certified Tribal Harvest Areas for the Lummi Tribe

Printed on: 3/29/2022
Effective beginning: 4/1/2022
License No: 0098
Washington Cert No: WA-0098-HA

Dani Tappett, R.S.
for Todd Phillips R.S., Director
Office of Environmental Health and Safety

This license/certificate expires March 31, 2023, and is revocable and NOT transferable.



Harvest Site Certificate

Print Date: March 29, 2022

Company Name: LUMMI INDIAN BUSINESS COUNCIL

Company Owner: MERLE JEFFERSON

Address: 3801-B KWINA RD, BELLINGHAM

License Number: WA-0098-HA

License End Date: 03/31/2023

Harvest Sites

NSSP Growing Area: Alden Bank

Application Number	MMSS Number and Classification	Site Number	Lease Expires	Signed CAAAMP on file	Certification Date
2013-281	33 Approved	Geoduck Tract: 02800	-Alden Bank	N/A	07/08/2014
Owner:			Acre: 320.00		Site ID: 02800
Harvest Type: Wild					
Comments: Strait of Georgia W.Lummi Reservation					

NSSP Growing Area: Birch Bay

Application Number	MMSS Number and Classification	Site Number	Lease Expires	Signed CAAAMP on file	Certification Date
1991-36	22 Approved	Recreational Beach: 200060-BIRCH BAY SP		N/A	07/19/1991
Owner: WASHINGTON STATE DEPT OF PARKS AND RECREATION			Acre: 192.00		Site ID: Birch Bay State Park
Harvest Type: Not Specified					
Species: Butter Clams, Littleneck Clams, Manila Clams, Pacific Oysters					
Comments: Birch Bay State Park					
1991-37	30 Approved	Recreational Beach: 200070-S BIRCH PT		N/A	07/19/1991
Owner: Department of Natural Resources			Acre: 0.00		Site ID: South Birch Point
Harvest Type: Not Specified					
Species: Littleneck Clams, Manila Clams, Pacific Oysters					
Comments: South Birch Point					



Washington State Department of Health
Office of Environmental Health and Safety (360)236-3330

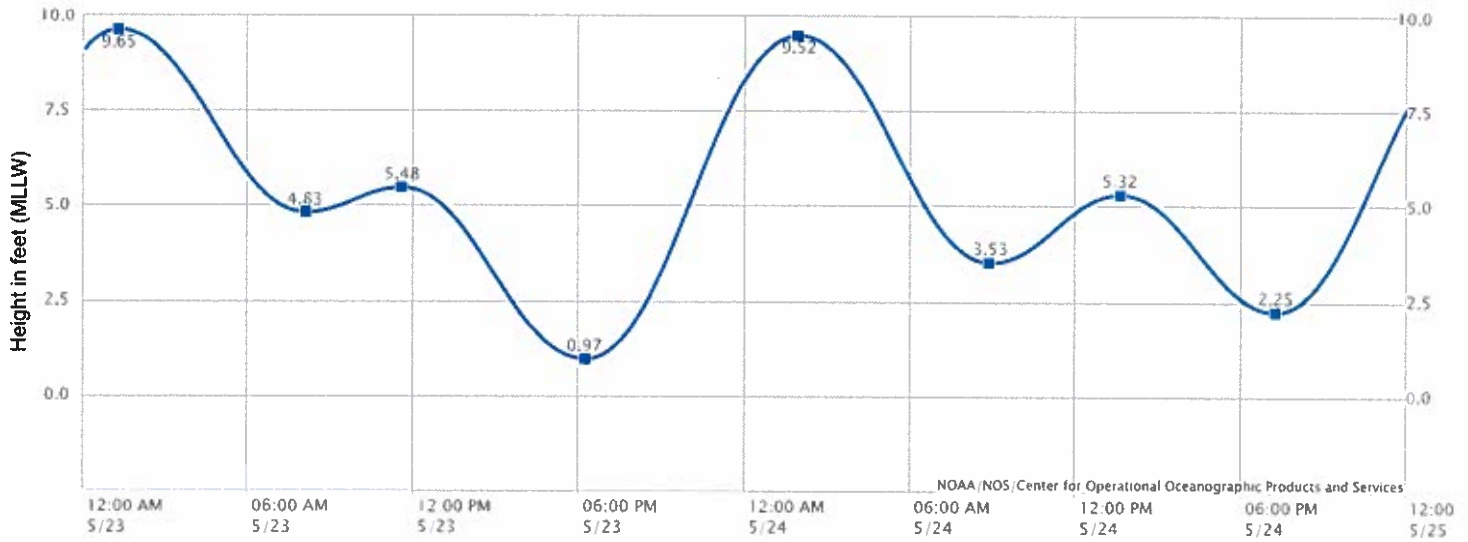
PSP Daily Report

May 10, 2022

PSP Number	Date Collected	Site Name	Subsite	County	Species	PSP Result (µg/100g)	Tissue	Collector
202200639	05/09/2022	Alden Bank Tract #02800		Whatcom	Geoduck	NTD	Gut	Lummi Indian Nation/Lummi Shellfish
202200640	05/08/2022	Portage Bay		Whatcom	Blue Mussel	NTD	Whole	Lummi Indian Nation/Lummi Shellfish
202200641	05/09/2022	Port Ludlow Marina		Jefferson	Blue Mussel	<38	Whole	Puget Sound Restoration Fund
202200642	05/09/2022	Mystery Bay		Jefferson	Blue Mussel	NTD	Whole	Puget Sound Restoration Fund
202200643	05/09/2022	Ediz Hook		Cllallam	Blue Mussel	NTD	Whole	Cllallam County Health Department
202200644	05/09/2022	Piship Point	John Wayne Marina	Cllallam	Blue Mussel	NTD	Whole	Cllallam County Health Department
202200645	05/09/2022	Fort Flagler		Jefferson	Blue Mussel	NTD	Whole	Puget Sound Restoration Fund
202200646	05/09/2022	Case Shoal		Jefferson	Blue Mussel	NTD	Whole	Jefferson County Health Department
202200647	05/09/2022	Apple Cove Pt N Tract #06250		Kitsap	Geoduck	NTD	Gut	The Tulalip Tribes
202200648	05/09/2022	President Point Tract #06400		Kitsap	Geoduck	NTD	Gut	The Tulalip Tribes
202200649	05/09/2022	Birch Bay Village		Whatcom	Blue Mussel	NTD	Whole	Whatcom County Health Department
202200650	05/09/2022	Semiahmoo Marina		Whatcom	Blue Mussel	NTD	Whole	Whatcom County Health Department
202200651	05/09/2022	Seilacoom Dock		Pierce	Blue Mussel	NTD	Whole	Puget Sound Restoration Fund
202200652	05/09/2022	Squalicum Harbor		Whatcom	Blue Mussel	NTD	Whole	Whatcom County Health Department
202200653	05/09/2022	Penn Cove		Island	Blue Mussel	NTD	Whole	Penn Cove Shellfish, LLC


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NOAA/NOS/CO-OPS
Tide Predictions at 9449424, Cherry Point WA
From 2022/05/23 12:00 AM LST/LDT to 2022/05/24 11:59 PM LST/LDT



Note: The interval is High/Low, the solid blue line depicts a curve fit between the high and low values and approximates the segments between.
 Disclaimer: These data are based upon the latest information available as of the date of your request, and may differ from the published tide tables.

High/Low Tide Prediction Data Listing

Station Name: Cherry Point, WA
 Action: Daily
 Product: Tide Predictions
 Start Date & Time: 2022/5/23 12:00 AM
 End Date & Time: 2022/5/24 11:59 PM

Source: NOAA/NOS/CO-OPS
 Prediction Type: Harmonic
 Datum: MLLW
 Height Units: Feet
 Time Zone: LST/LDT

Date	Day	Time	Hgt	Time	Hgt	Time	Hgt	Time	Hgt
2022/05/23	Mon	01:16 AM	9.65 H	08:04 AM	4.83 L	11:35 AM	5.48 H	6:14 PM	0.97 L
2022/05/24	Tue	01:56 AM	9.52 H	08:53 AM	3.53 L	1:37 PM	5.32 H	7:16 PM	2.25 L

Corrections to Cherry Point Tides for Monday, 5/23/22 through Tuesday, 5/24/22 to accommodate harvesting between -18 ft MLLW and -70 ft MLLW at the NE Alden Bank tract (#02800)

Friday 5/23/22				
Height (ft)	Tide	Time	Shallow end of tract (ft)*	Deep end of tract (ft)*
10	H	1:16 AM	28	80
5	L	8:04 AM	23	75
6	H	11:35 AM	24	76
1	L	6:14 PM	19	71

*** Depth that will appear on divers' depth gauges**

Saturday 5/24/22				
Height (ft)	Tide	Time	Shallow end of tract (ft)*	Deep end of tract (ft)*
10	H	1:56 AM	28	80
4	L	8:53 AM	22	74
5	H	1:37 PM	23	75
2	L	7:16 PM	20	72

*** Depth that will appear on divers' depth gauges**

47NM NNE Port Angeles WA Marine Point Forecast

[NOTICE]

Today	Tonight	Saturday	Saturday Night	Sunday	Sunday Night	Monday	Monday Night	Tuesday
								
↑WNW 7kt < 1ft	WNW 8kt < 1ft	WNW 9kt < 1ft	NW 7kt < 1ft	Light Wind < 1ft	Light Wind < 1ft	SSW 6kt < 1ft	SSW 7kt < 1ft	SSW 8kt < 1ft

[Associated Zone Forecast which includes this point](#)

Last Update: 3:53 am PDT May 20, 2022
Forecast Valid: 9am PDT May 20, 2022-6pm PDT May 26, 2022

[View Nearby Observations](#)

Detailed Forecast

Synopsis: High pressure rebuilds over the northeastern Pacific today and remains through the weekend with weak surface gradients maintaining relatively light flow over the local waters into early next week.

Today Variable winds less than 5 kt becoming WNW 5 to 7 kt in the afternoon. Sunny. Wind waves 1 ft or less.

Tonight WNW wind around 8 kt becoming E in the evening. Partly cloudy. Wind waves 1 ft or less.

Saturday N wind 6 to 9 kt becoming WNW in the morning. Sunny. Wind waves 1 ft or less.

Saturday Night NW wind around 7 kt becoming SE after midnight. Mostly clear. Wind waves 1 ft or less.

Sunday Variable winds 5 kt or less. Sunny. Wind waves 1 ft or less.

Sunday Night Variable winds 5 kt or less. Mostly cloudy. Wind waves 1 ft or less.

Monday SSW wind around 6 kt. Partly sunny. Wind waves 1 ft or less.

Monday Night SSW wind around 7 kt. Partly cloudy. Wind waves 1 ft or less.

Tuesday SSW wind around 6 kt. Partly sunny. Wind waves 1 ft or less.

Notices:

Topographic
Select Another Point



[illegible]